

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LAEL LETT,)	
)	
Petitioner,)	
)	
v.)	CIV. A. NO. 25-0013-KD-MU
)	
NOAH PRICE OLIVER,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Petitioner Lael Lett, a pretrial detainee at Mobile Metro Jail proceeding *pro se*, filed a letter addressed to the Court entitled "Requesting a Fast & Speedy Trial," which the Court interpreted as a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, on January 8, 2025. (Doc. 1). This case was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and General Local Rule 72(a)(2)(R) for appropriate action. Because Petitioner has failed to pay the filing fee as ordered by the Court and to comply with the Court's Order dated January 9, 2025, it is recommended that this action be dismissed without prejudice.

Petitioner did not pay the required \$5.00 filing fee or file a motion to proceed without the prepayment of fees at the time he filed his petition. Accordingly, Petitioner was ordered to pay the required filing fee or file a motion to proceed without prepayment of fees by February 7, 2025. (Doc. 2). Petitioner was also ordered to refile his petition on this Court's form for a § 2241 petition if he believed that his federal constitutional rights had been violated. (*Id.* at 2). Petitioner was advised that failure to comply with the Court's Order as set forth above before February 7, 2025,

would result in his action being dismissed without prejudice for failure to prosecute and to comply with the Court's order. (*Id.*). Petitioner has not complied with that Order and has not paid his \$5.00 filing fee or filed an IFP motion, nor has he refiled his petition on the Court's form. (See Docket Sheet).

Because Petitioner has failed to comply with the Court's Order, upon consideration of the alternatives that are available to the Court, it is **RECOMMENDED** that this action be **DISMISSED without prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as no other lesser sanction will suffice. *Link v. Wabash R. R.*, 370 U.S. 626, 630 (1962) (interpreting Rule 41(b) not to restrict the court's inherent authority to dismiss *sua sponte* an action for lack of prosecution); *World Thrust Films, Inc. v. International Family Entertainment, Inc.*, 41 F.3d 1454, 1456-57 (11th Cir. 1995); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983).

NOTICE OF RIGHT TO FILE OBJECTIONS

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to this recommendation or anything in it must, within fourteen (14) days of the date of service of this document, file specific written objections with the Clerk of this Court. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); S.D. Ala. Gen. LR 72(c). The parties should note that under Eleventh Circuit Rule 3-1, "[a] party failing to object to a magistrate judge's findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district

court's order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.” 11th Cir. R. 3-1. To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the Magistrate Judge’s report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the Magistrate Judge is not specific.

DONE this **27th** day of **March, 2024**.

/s/ P. Bradley Murray
P. BRADLEY MURRAY
UNITED STATES MAGISTRATE JUDGE